

TITLE 54
PROFESSIONS, VOCATIONS, AND BUSINESSES

CHAPTER 40
MESSAGE THERAPISTS

54-4001. PURPOSE. By the adoption of this chapter, it is the intent of the legislature to protect the public health, safety and welfare, and to provide for state administrative supervision, licensure, regulation and disciplinary procedures of every person providing massage therapy who meets and maintains the standards of practice and code of ethics as adopted by the board and is licensed under the provisions of this chapter, unless otherwise exempted herein.

[54-4001, added 2012, ch. 261, sec. 1, p. 723.]

54-4002. DEFINITIONS. As used in this chapter, the following terms have the following meanings:

(1) "Advertise" means, but is not limited to, the issuing or causing to be distributed of any card, sign, direct mail piece or other device or causing or permitting any sign or marking on or in any building or structure, or in any newspaper, magazine or directory, or announcement on radio or announcement or display on television, computer network or electronic or telephonic medium.

(2) "Board" means the Idaho state board of massage therapy created pursuant to section [54-4006](#), Idaho Code.

(3) "Compensation" means the payment, loan, advance, donation, contribution, deposit or gift of money or anything of value, except "compensation" shall not include a student tuition credit program where such program has been established by a massage therapy establishment.

(4) "Massage school" means a massage therapy educational program that is registered by the state board of education in accordance with [chapter 24, title 33](#), Idaho Code, or comparable authority in another state.

(5) "Massage therapist" means a person who is licensed under this chapter and who engages in the practice of massage therapy.

(6) "Massage therapy" means the care and services provided by a massage therapist.

(7) "Practice of massage therapy" means the application of a system of structured touch, pressure, movement and holding of the soft tissues of the human body. The application may include:

(a) Pressure, friction, stroking, rocking, kneading, percussion, or passive or active stretching within the normal anatomical range of movement;

(b) Complementary methods, including the external application of water, heat, cold, lubricants and other topical preparations; or

(c) The use of mechanical devices that mimic or enhance actions that may be done by the hands.

[54-4002, added 2012, ch. 261, sec. 1, p. 723; am. 2016, ch. 174, sec. 1, p. 477.]

54-4003. EXEMPTIONS. (1) Nothing in this chapter shall be construed to restrict any person licensed or regulated by the state of Idaho from engaging in the profession or practice for which they are licensed or regulated.

(2) Nothing in this chapter shall prohibit, prevent or restrict:

(a) The practice of massage therapy by a person employed by the government of the United States while the person is engaged in the performance of duties prescribed by the laws and regulations of the United States.

(b) The practice of massage therapy by persons licensed, registered or certified in another state, a territory, the District of Columbia or a foreign country when incidentally called into this state to teach a course related to massage therapy or to consult with a person licensed under this chapter.

(c) The practice of massage therapy by persons licensed, registered or certified and in good standing in another state, a territory, the District of Columbia or a foreign country when practicing on clients participating in organized athletic events or affiliated with or employed by established athletic teams, athletic organizations or performing arts companies temporarily practicing, competing or performing in this state for no more than sixty (60) days in a calendar year.

(d) The practice of students enrolled in a board-approved course of instruction while completing a clinical requirement or supervised massage therapy fieldwork experience for graduation performed under the supervision of a person licensed under this chapter, provided the student does not hold himself or herself out as a licensed massage therapist and does not receive compensation for services performed.

(e) The practice of any person in this state who uses touch, words and directed movement to deepen awareness of existing patterns of movement in the body as well as to suggest new possibilities of movement while engaged within the scope of practice of a profession, provided that their services are not designated or implied to be massage or massage therapy. Such practices include, but are not limited to, the Feldenkrais method® of somatic education, the Trager approach® to movement education, body-mind centering®, Ortho-Bionomy® and craniosacral therapy.

(f) The practice of persons who restrict their practice to manipulation of the soft tissues of the human body to the hands, feet or ears and do not hold themselves out to be massage therapists or to do massage or massage therapy.

(g) The practice of any person in this state who uses touch to affect the energy systems, acupoints or qi meridians, or channels of energy of the human body while engaged within the scope of practice of a profession, provided that their services are not designated or implied to be massage or massage therapy. Such practices include, but are not limited to, polarity, polarity therapy, polarity bodywork therapy, Asian bodywork therapy, acupressure, jin shin do®, qi gong, reiki and shiatsu.

(h) The practice of persons engaged in the profession of structural integration, restoring postural balance and functional ease by integrating the body in gravity based on a system of fascial manipulation, awareness, and education developed by Dr. Ida P. Rolf, provided their services are not designated or implied to be massage or massage therapy. Such practices include, but are not limited to: Rolfing® structural integration, the guild for structural integration, Hellerwork®.

[54-4003, added 2012, ch. 261, sec. 1, p. 724; am. 2015, ch. 30, sec. 1, p. 68.]

54-4004. PROHIBITIONS. Massage therapists shall not perform any of the following:

- (1) Diagnosis of injury, illness or disease;
- (2) Chiropractic adjustment or skeletal manipulative procedures or any other procedures as defined in section [54-704](#), Idaho Code, except as allowed in section [54-4002](#) (7), Idaho Code;
- (3) Therapeutic exercise, medical or other therapeutic modalities including, but not limited to, the use of medically classified therapeutic devices, mechanical traction, laser and light therapies, electrical stimulation or application of ultrasound; and
- (4) Dispensation of, application of or issuance of prescriptions for pharmaceutical agents.

[54-4004, added 2012, ch. 261, sec. 1, p. 725.]

54-4005. LICENSE REQUIRED. (1) A person shall not practice massage therapy for compensation or hold himself or herself out to others as a massage therapist without first receiving from the board a license to engage in that practice.

(2) A person holds himself or herself out to others as a massage therapist when the person adopts or uses any title or description including "massage therapist," "massagist," "massotherapist," "myotherapist," "body therapist," "massage technician," "massage practitioner" or any derivation of those terms that implies this practice.

(3) It shall be unlawful for any person who is not a licensed massage therapist under this chapter to advertise using the term "massage therapist." Any person who holds a license to practice as a massage therapist in this state may use the title "licensed massage therapist." No other person shall assume this title or use an abbreviation or any other words, letters, signs or figures to indicate that the person using the title is a licensed massage therapist.

[54-4005, added 2012, ch. 261, sec. 1, p. 725.]

54-4006. BOARD OF MASSAGE THERAPY. (1) There is hereby established in the department of self-governing agencies, bureau of occupational licenses, the board of massage therapy. The members thereof shall be appointed by the governor and serve at the pleasure of the governor.

(2) The board shall consist of five (5) members, four (4) of whom shall be licensed pursuant to this chapter and one (1) of whom shall be a member of the public with an interest in the rights of the consumers of massage therapy services. At no time shall more than one (1) board member be an owner of, an instructor of, or otherwise affiliated with a board-approved course of instruction or any other massage therapy school or course of instruction.

(3) Professional massage therapy associations and/or any resident of the state of Idaho may provide nominations to the governor.

(4) All members of the board shall be residents of the state of Idaho for the duration of their appointment and shall have been residents of the state of Idaho for a minimum of three (3) years immediately preceding appointment.

(5) The initial four (4) massage therapist members of the board shall be persons with at least three (3) years of experience in the practice of massage therapy who become licensed pursuant to this chapter.

(6) The initial board shall be appointed for staggered terms, the longest of which shall not exceed three (3) years. After the initial appointments, all terms shall be for three (3) years, and a member may be reappointed for a second term. No member shall serve more than two (2) terms.

In the event of death, resignation or removal of any member before the expiration of the term to which appointed, the vacancy shall be filled for the unexpired portion of the term in the same manner as the original appointment.

(7) The board, within thirty (30) days after its initial appointment and at least annually thereafter, shall hold a meeting and elect a chairman. The board may hold additional meetings on the call of the chairman or at the written request of any three (3) members of the board. The board may appoint such committees as it considers necessary to carry out its duties. A majority of the members of the board shall constitute a quorum.

(8) Each member of the board shall be compensated as provided in section [59-509](#)(p), Idaho Code.

[54-4006, added 2012, ch. 261, sec. 1, p. 725; am. 2017, ch. 51, sec. 1, p. 80.]

54-4007. POWERS AND DUTIES OF THE BOARD. The board shall have the authority to:

(1) Determine the qualifications of persons applying for licensure pursuant to this chapter and to define, by rule, the appropriate scope of massage therapy in this state, provided however, that the scope of practice may not exceed that defined in section [54-4002](#) (7), Idaho Code;

(2) Authorize, by written agreement, the bureau of occupational licenses as agent to act in its interest;

(3) Promulgate such rules as are necessary for the administration of this chapter, including standards of professional conduct;

(4) Conduct investigations and hold hearings and compel the attendance of witnesses and the production of papers at such investigations or hearings;

(5) Collect fees and other funds as prescribed by this chapter;

(6) Contract and pursue other matters lawful in this state relating to massage therapy;

(7) Provide such other services and perform such other functions as are necessary and desirable to fulfill its purposes;

(8) Establish requirements for renewal of license and approval of continuing education courses as set forth in section [67-2614](#), Idaho Code;

(9) Establish rules for the approval of massage therapy entry-level educational standards but must remain consistent with curriculum requirements in this chapter, or rules promulgated pursuant thereto;

(10) Establish requirements for a student tuition credit program; and

(11) Establish requirements for a temporary license and provisional permit.

The registration of massage schools shall remain with the state board of education in accordance with [chapter 24, title 33](#), Idaho Code.

[54-4007, added 2012, ch. 261, sec. 1, p. 726; am. 2016, ch. 174, sec. 2, p. 477.]

54-4008. FEES. (1) All fees received under the provisions of this chapter shall be paid to the department of self-governing agencies, bureau of occupational licenses, and deposited in the state treasury to the credit of the occupational licenses fund. All costs and expenses incurred under the provisions of this chapter shall be a charge against and paid from said fund. In no case shall any salary, expense or other obligation of the board be charged against the general fund.

(2) The board, by rule, may impose fees not to exceed two hundred dollars (\$200) annually per fee to provide for the administration of this section including, but not limited to, the following:

- (a) Original license fee;
- (b) Application fee;
- (c) License renewal fee;
- (d) License by endorsement;
- (e) Duplicate license; and
- (f) Reinstatement fee.

[54-4008, added 2012, ch. 261, sec. 1, p. 726.]

54-4009. REQUIREMENTS FOR ISSUANCE OF LICENSE. Upon application to the board and the payment of the required fees, an applicant may be licensed as a massage therapist if the applicant meets all the requirements of this chapter and provides documentation acceptable to the board that he or she:

- (1) Has obtained a high school diploma or equivalent;
- (2) Is eighteen (18) years of age or older;
- (3) Is of good moral character;
- (4) Has successfully completed a massage program registered pursuant to [chapter 24, title 33](#), Idaho Code, or a comparable authority in another state that consists of the minimum of five hundred (500) in-class supervised hours of coursework and clinic work; and
- (5) Has successfully passed a nationally recognized competency examination in massage therapy that is approved by the board. The passage of this exam may have occurred prior to the effective date of this chapter.

[54-4009, added 2012, ch. 261, sec. 1, p. 727.]

54-4010. ENDORSEMENT LICENSURE. The board may grant a license without examination to any person who, at the time of application, is licensed or certified in good standing by a board of massage therapy of another state, provided the requirements for such certification or licensure are substantially equivalent to the requirements of this chapter, and upon payment of a fee to be determined by the board.

[54-4010, added 2012, ch. 261, sec. 1, p. 727.]

54-4011. LICENSE RENEWAL. [(1)] A license shall be issued and renewed in accordance with section [67-2614](#), Idaho Code.

[54-4011, added 2012, ch. 261, sec. 1, p. 727.]

54-4012. LICENSING OF EXISTING MASSAGE PRACTITIONERS. Until July 1, 2014, the board may issue a license to any individual who meets one (1) of the following requirements:

- (1) He or she has completed a minimum of five hundred (500) hours of supervised classroom and hands-on instruction relating to massage therapy;
- (2) He or she has completed at least three hundred (300) hours of formal training in massage therapy as determined by the board and has practiced massage therapy for at least five (5) hours per week on average for at least three (3) years prior to the date of application;
- (3) He or she has completed at least two hundred (200) hours of formal training in massage therapy as determined by the board and has practiced mas-

sage therapy for at least five (5) hours per week on average for at least five (5) years prior to the date of application;

(4) He or she has been an active member in good standing as a massage therapist for a period of at least twelve (12) months of a national professional massage association/organization that offers professional liability insurance; or

(5) He or she has successfully passed an examination meeting the requirements of section [54-4009](#)(5), Idaho Code. The passage of this examination may have occurred before the effective date of this section.

[54-4012, added 2012, ch. 261, sec. 1, p. 727.]

54-4013. DISCIPLINARY ACTION. The board may refuse to issue or renew or otherwise discipline a license holder for any of the following:

(1) The employment of fraud, deceit or misrepresentation in obtaining or attempting to obtain a license or the renewal of a license;

(2) Practicing as a massage therapist when physical or mental abilities are impaired as determined by the board;

(3) Conviction of a crime that is deemed relevant in accordance with section [67-9411](#)(1), Idaho Code, provided that the board has taken into consideration the rehabilitation of the applicant or licensee and other mitigating circumstances;

(4) Having been adjudged mentally incompetent by a court of competent jurisdiction;

(5) Engaging in any act or practice in violation of any of the provisions of this chapter or any of the rules adopted by the board, or aiding, abetting or assisting any other person in such a violation;

(6) The commission of an act of gross negligence or incompetence;

(7) Practicing without a valid license;

(8) Engaging in any lewd, indecent, obscene or unlawful behavior with a client;

(9) The employment of fraud, deceit, or misrepresentation when communicating with the general public, health care professionals or other business professionals;

(10) Having had a license revoked or suspended, other disciplinary action taken or an application for licensure refused, revoked or suspended by the proper authorities of another state, territory or country, or omitting such information from any application to the board, or failing to divulge such information when requested by the board;

(11) A violation of the code of ethics or standards of practice as adopted by the board; and

(12) Failure to comply with an order issued by the board.

[54-4013, added 2012, ch. 261, sec. 1, p. 727; am. 2020, ch. 175, sec. 33, p. 539.]

54-4014. ENFORCEMENT -- PENALTIES. A person who violates any provision of this chapter shall, upon conviction, be guilty of a misdemeanor. The board may seek an injunction against any person who practices massage therapy in violation of the provisions of this chapter.

[54-4014, added 2012, ch. 261, sec. 1, p. 728.]

54-4015. PREEMPTION OF LOCAL REGULATION. Beginning on the date applications for licensure become available pursuant to this chapter, a local unit of government shall not establish or maintain professional licensing requirements for a massage therapist licensed pursuant to this chapter.

[54-4015, added 2012, ch. 261, sec. 1, p. 728.]